

~~SECRET~~

MEMORANDUM

TO: The Acting Secretary

THROUGH: S/S

FROM: G - Robert Murphy

SUBJECT: Berlin Contingency Planning - Points to be Discussed  
with Foreign Minister Lloyd

4-4-59

CLASSIFIED  
AND 901068  
By HR-M/SG 8/22/91

430 Ambassadorial Group  
April 4 - 1949  
by RM

Background

Substantial tripartite agreement has now been reached on a Berlin contingency planning paper which can be used both as a record of agreement on the general lines of planning and as an instruction upon which the Embassies at Bonn and the interested military headquarters can base their more detailed planning. A draft of this paper, which takes into account the discussions of the Ambassadorial Group on March 30 and of the Foreign Ministers on March 31 is attached (Tab A). Copies of this draft have been passed to the British and French Embassies.

The points in the paper which still require clarification involve for the most part differences between the British and ourselves or British suggestions on which we have not yet taken a position. Mr. Lloyd's presence in Washington offers an excellent opportunity to clear up these points.

Recommendation

① It is therefore recommended that you discuss points still requiring clarification with Mr. Lloyd during his visit here and attempt to reach agreement with him in accordance with the detailed recommendations below.

Points to be Clarified and Detailed Recommendations

(All references are to Tab A, to which numerical tabs have been attached for convenient reference to the passages mentioned below. The typewritten additions to Tab A indicate the language based on the recommended U.S. position.)

1. Paragraph 5 b

British Proposal: That this paragraph be included.

EUR: GER: GPT: D/McNeman/Scg

901068-170

~~SECRET~~

- 2 -

Recommended U.S. Position: That the paragraph be included, but that introductory sentence be amended to read: "The Three Powers might consider the possibility of adopting an active rather than a passive role and putting the matter to the Soviets along the following lines:"

Discussion: We have not previously taken a position on this suggestion but there seems to be no objection to considering it. If the basic idea is adopted, however, the language suggested by the British would require considerable polishing.

2. Paragraph 6

British Proposal: That the identification procedures followed with GDR personnel might include the stamping of a paper by the latter.

Recommended U.S. Position: That such stamping would be very undesirable and that the bracketed words should remain in the paper. If Mr. Lloyd cannot be persuaded on this point, the problem might be reviewed after the Three Embassies at Bonn have completed their study of possible identification procedures and have made recommendations.

Discussion: We have previously indicated our opposition to any stamping by GDR personnel. While in strict legal theory, we could justify dealing with GDR personnel as we have in the past with USSR personnel without conceding "substitution", either upon the theory that the GDR, being a puppet of the USSR, is its agent regardless of any disclaimers the USSR might make, or upon the theory that stamping does not imply control but is a part of the "identification" procedures. It is important in this regard that we have not recognized the right of even the USSR to "control" our movements, although we have conceded our obligation to identify our military movements as such. If we permit stamping, however, the procedure we follow with GDR personnel will appear sufficiently similar to the procedures we followed earlier with Soviet checkpoint personnel, so that the public may gain the impression that we have in fact permitted a real "substitution". Under such circumstances, it would be difficult to convince public opinion that we had not accepted the substitution of the GDR for the USSR in matters related to our access.

3. Paragraph 8 and paragraph 14 c

British Proposal: That the words "as designated by

901068-171

~~SECRET~~

- 3 -

the tripartite staff in Paris" be dropped from paragraph 8 and that the words "and for assisting the Three Embassies at Bonn in carrying out their responsibilities as described in paragraph 14 b above" be dropped from paragraph 14 c.

Recommended U.S. Position: That the wording "in consultation with the tripartite staff in Paris or with other military headquarters as appropriate" be substituted in paragraph 8 and that the wording "and designating the headquarters to assist the Embassies at Bonn, etc." be substituted in paragraph 14 c.

Discussion: The British believe that requiring coordination through the tripartite staff in Paris might involve unnecessary delays. Defense desires that mention be made of tripartite staff and has proposed the substitute language recommended above. It is believed the substitute language will be acceptable to the British.

4. Paragraph 9b

British Proposal: That this paragraph be included.

Recommended U.S. Position: That the paragraph be included with the amendment of the text to read: "Alternatively, they should consider whether the legal basis, etc."

Discussion: The U.S. has not previously expressed any views on this point but there would be no objection to considering the course the British have suggested.

5. Paragraph 10

Recommended U.S. Position: That the sentence "The probe will consist of one or more trucks" be stricken out.

Anticipated British Position: The British will probably concur.

Discussion: This sentence is a meaningless vestige of a sentence which, in an earlier draft, read "The probe will consist of one or more trucks, accompanied by a scout car or other armed vehicle." It was agreed that the probing operation could not be precisely described at this time and that the last half of the sentence should be stricken; since this was done, the first half should have been stricken also.

90 1068-172

~~SECRET~~

- 4 -

6. Paragraph 10 b

British Proposal: That this paragraph be included.

Recommended U.S. Position: That a substitute paragraph reading as follows be inserted:

"Under the circumstances calling for a probe as provided for under paragraph 10 a above, there may be one or more Allied trains, convoys, or vehicles held up inside the Soviet Zone. If this is the case, the decision will be taken, before the probe is undertaken, whether or not the detained movements should extricate themselves by submitting to the GDR demands under protest. If the decision is taken to extricate the movement in this manner traffic will then be suspended and the next movement will be the probe."

Discussion: The French support the British proposal. The U.S. has consistently reserved its position on so-called "last resort" dealings with the GDR to extricate movements stopped in the Soviet Zone. Our reasons for doing so have been the feeling that complying with unacceptable GDR controls, even under these circumstances, might make the issue upon which we were suspending traffic less clear and the belief that the GDR would no doubt eventually permit our detained movement to proceed or to return to their point of origin anyway. However, in the interests of complete agreement on the paper, the compromise formula recommended above might be acceptable.

Clearances:

This memorandum has been cleared by L and Defense

Concurrence:

GER - Mr. Vigderman *AGN*

EUR - Mr. Kohler *FDK*

EUR:GER:GPA:TDMcKlennan:jcg  
*TMcKlennan*

90 1068-173

~~SECRET~~

Draft

April 1, 1959

BERLIN CONTINGENCY PLANNING

This paper represents Berlin contingency planning as agreed by the Governments of France, the United Kingdom, and the United States on the basis of the United States aide-memoire of December 11, 1958, the United States memorandum of February 18, 1959, the tripartite Ambassadorial Group discussions in Washington on February 18, February 28, and March 30, 1959, and the tripartite Foreign Ministers' meeting in Washington on March 31, 1959.

CONTENTS

Page

1. Foreign Ministers' Meeting.....	2
2. Preparatory Military Measures .....	2
3. Notice to Soviet Government.....	3
4. Public Statement.....	4
5. The "Agency Principle".....	5
6. Identification of Allied Vehicles.....	5
7. Continuation of Allied Traffic after Soviet Withdrawal .....	6
8. Detailed Procedures at Checkpoints.....	6
9. Possible Substitution of Allied for Soviet Personnel..	7
10. Initial Probe of Soviet Intentions.....	7
11. Efforts to Increase Pressure on USSR and GDR.....	8
12. Use of Additional Military Force.....	9
13. Air Access to Berlin.....	9
14. Planning Responsibilities and Coordination.....	10

~~SECRET~~

90 1068 - 174

~~SECRET~~

- 2 -

1. Foreign Ministers' Meeting

The Three Powers will continue their efforts to bring about a Foreign Ministers' meeting with the USSR on the various aspects of the German question, bearing in mind that one of the purposes of such a meeting would be to provide the USSR with a cover which could facilitate the modification or the indefinite postponement of its "ultimatum" that it will withdraw from its functions with relation to the Three Powers' access to Berlin after May 27.

2. Preparatory Military Measures

a. In view of the possibility that the USSR may nonetheless withdraw from these functions and in order to provide evidence of the Three Powers' determination to maintain their free access, the military authorities of the Three Powers will plan quiet preparatory and precautionary military measures of a kind which will not create public alarm but which will be detectable by Soviet intelligence. These measures are to be implemented as soon as they have been agreed.

b. The military authorities of the Three Powers will also plan more elaborate military measures in Europe, which would be generally observable, including (1) measures to be implemented after the Soviet Government has turned its functions over to the GDR and (2) measures to be implemented after Allied traffic has been forcibly obstructed.

c. The planning of the measures described in paragraphs 2 a and 2 b above will be carried out on a tripartite basis under the general supervision of General Horstad in his capacity as Commander-in-Chief, United States Forces, Europe. The exact arrangements for the planning will be

further

~~SECRET~~

90 1068-175

~~SECRET~~

- 3 -

further concerted between the military authorities of the three countries. These military authorities will also plan measures on a purely national basis in support of the measures referred to above.

3. Notice to Soviet Government

The Three Ambassadors in Moscow should inform the Soviet Government at an appropriate time (1) that the Three Powers continue to hold the Union of Soviet Socialist Republics fully responsible under quadripartite agreements and arrangements concerning Berlin; (2) that the Three Powers have noted Soviet statements to the effect that the Union of Soviet Socialist Republics will withdraw from its remaining occupation functions with respect to Berlin: that they assume this means the Soviets intend to withdraw Soviet personnel from the Interzonal autobahn and railway checkpoints and from the Berlin Air Safety Center; (3) that the right of the Three Powers to unrestricted access to Berlin would remain unaffected by such Soviet withdrawal; (4) that the Three Powers will not tolerate any attempt on the part of the "German Democratic Republic" to assert any control over or to interfere with their traffic to and from Berlin via quadripartitely established routes, and that they would take all measures necessary to protect their rights in this connection; (5) that, if the Soviets withdraw, the Western Powers will act on the assumption (a) the Union of Soviet Socialist Republics has decided to abolish unnecessary administrative procedures at interzonal borders, and (b) the Union of Soviet Socialist Republics can and will, without benefit of exchange of flight information in the Berlin Air Safety Center, maintain absolute separation of Soviet aircraft and all other aircraft flying in the Soviet Zone from aircraft of the Three Powers

~~SECRET~~

90 1068-176

~~SECRET~~

- 4 -

Powers flying in the Berlin corridors and the Berlin control zone; (6) that the Three Powers will expect their traffic to move freely by the international borders and will assume the Soviets have given blanket assurance of safety of all Three Power aircraft in the Berlin corridors and the Berlin Control Zone.<sup>1/</sup>

4. Public Statement

There will be drawn up without delay a tripartitely agreed draft of a public statement to be made if and when the Soviet Government announces the imminent turning over of the checkpoints to the GDR. This statement would explain the legal construction which the Allied Governments place upon the Soviet announcement and the procedures they will follow.

5. The

- 
- <sup>1/</sup> The notice to the Soviets contemplated in this paragraph has already been given in part by the Three Powers' notes of December 31, 1958, which read in part as follows:

"As the Soviet Government knows, the French, British, and United States Governments have the right to maintain garrisons in their sectors of Berlin and to have free access thereto. Certain administrative procedures have been agreed with the Soviet authorities accordingly and are in operation at the present time. The Government of (the United States) will not accept a unilateral repudiation on the part of the Soviet Government of its obligations with respect of that freedom of access. Nor will it accept the substitution of the regime which the Soviet Government refers to as the German Democratic Republic for the Soviet Government in this respect."

~~SECRET~~

90 1068 - 177



~~SECRET~~

- 5 -

5. The "Agency Principle"

a. The Three Powers cannot deal with GDR personnel as Soviet agents if the USSR denies that such an agency relationship exists. If, however, the USSR should ultimately propose a compromise under which the USSR, as principal, would expressly authorize GDR personnel to function as Soviet agents in performing Soviet functions with relation to the access of the Three Powers to Berlin, the Three Powers should consider the possibility of accepting such a compromise solution, with appropriate safeguards for their own rights.

consider the possible tactical advantages of adopting

b. The Three Powers might/adopt an active rather than a passive role  
by putting along lines  
and put the matter to the Soviets in the following terms:

"If you wish to divest yourselves of your rights and obligations toward ourselves, we are willing to accept a formal assignment to the GDR on condition that (a) we do not recognize the GDR as a Government but as the authority designated by you for this purpose, and (b) you yourselves, and the GDR as the authority designated by you, guarantee to us that the obligations which you have incurred will continue to be carried out." 1/

6. Identification of Allied Vehicles

If Soviet personnel are withdrawn from the checkpoints, there would be no objection to providing more identification of the vehicles of the Three Powers for the information of GDR personnel at the checkpoints.

Such

---

1/ Proposed by the U.K.

~~SECRET~~

90 1068-178

~~SECRET~~

- 6 -

Such identification should not, however, include the stamping of papers or 1/ and [other] form of inspection or control, and it should not be construed as acquiescence in the substitution of GDR for Soviet personnel..

7. Continuation of Allied Traffic after Soviet Withdrawal

If and when the Soviet personnel are withdrawn from the checkpoints, the Three Powers will make every effort to continue normal traffic by Autobahn and railroad, except that they will substitute for the procedures followed at present with the Soviet personnel those procedures which the Three Powers themselves have determined to be necessary to identify their trains, convoys, or vehicles as Allied movements entitled to unrestricted access and whatever procedures may be tripartitely agreed to be reasonable to enable the GDR personnel to ensure the orderly progress of traffic on the Autobahn or railroad.

8. Detailed Procedures at Checkpoints

The Three Embassies at Bonn, in consultation with <sup>the tripartite staff</sup> ~~the appropriate~~ in Paris or with other military headquarters as appropriate ~~military headquarters of the Three Powers as designated by the tripartite staff in Paris,~~ should complete the drafting of instructions to the commanders of military trains and convoys and to the drivers of individual vehicles regarding the procedures to be followed at the railroad and Autobahn checkpoints in the event of the withdrawal of Soviet checkpoint personnel.

- 
- 1/ The U. K. has suggested that the Three Embassies might also consider whether the placing of a time stamp, possibly on a piece of paper separate from the travel order, would be acceptable as a part of the identification procedure. Therefore, the U. K. was unable to accept the words in brackets above.

~~SECRET~~

90 1068 - 179

~~SECRET~~

- 7 -

personnel. In drafting these instructions, provision will be made for a situation in which the Soviet Government has acknowledged the GDR personnel to be its agents and for a situation in which the Soviet Government has not done so. The Embassies, in consultation with the same military headquarters mentioned above, will also develop appropriate procedures for the identification of Allied movements and draft the above-mentioned instructions to conform with these procedures.

9. Possible Substitution of Allied for Soviet Personnel

a. The Three Powers should consider the possibility of substituting their own personnel for the Soviet personnel withdrawn from the Nowawes and Marienborn checkpoints.

b. <sup>they should consider whether</sup> ~~Alternatively,~~ the legal basis of such action, namely that the Three Powers would succeed to Soviet rights if the Soviets withdraw, might be mentioned in discussions with the Soviets.<sup>1/</sup>

10. Initial Probe of Soviet Intentions

If Allied surface access is interrupted as a result of an attempt by GDR personnel to enforce formalities or controls going beyond those which the Three Powers have determined to be acceptable (cf. paragraph 7 above), the Three Powers will then make a probe to determine whether the Soviets are prepared to use force or to permit the use of force to prevent the passage of an Allied movement. ~~The probe will consist of one or more trucks.~~ The vehicles will be identified to the GDR personnel in

---

<sup>1/</sup> Suggested by the U.K.

~~SECRET~~

901068-180

~~SECRET~~

- 8 -

personnel in accordance with the procedures which the Three Powers have agreed on, but no further inspection or control will be allowed. The movement will proceed until its passage is physically obstructed. It will not fire unless fired upon, but if fired upon will take whatever defensive action seems necessary.

Under the circumstances calling for a probe as provided for in paragraph 10 a above, there may be one or more Allied trains, convoys or vehicles held up into effect any train or convoy held up inside the zone should, if inside the Soviet Zone. If this is the case, the decision will be taken, before possible, be extricated. It may be necessary for this purpose to the probe is undertaken, whether or not the detained movements should allow the train or convoy to submit to East German demands under protest. 1/ themselves by submitting to the GDR demands under protest. If the decision is taken to extricate the movements in this manner, traffic will then be suspended and the next movement will be the probe.

11. Efforts to Increase Pressure on USSR and GDR (cf. Paragraph 9

of earlier working paper.)

If the initial probe or probes as described in paragraph 10 above are physically obstructed, the Three Powers will make parallel efforts along the following lines to increase pressure on the USSR and the GDR:

a. The Three Powers will seek to mobilize world opinion against the USSR as a violator of agreements, as a user of force, and as a threat to the peace. A possibility is that the situation could be taken to the United Nations Security Council and, perhaps in the event of a Soviet veto, to a special session of the General Assembly. Consideration would be given to further forms of diplomatic or other pressure, including the withdrawal of the Ambassadors of the Three Powers from Moscow.

b. The Three Powers

---

1/ Proposed by the U.K. and France.

~~SECRET~~

901068-181

~~SECRET~~

- 9 -

b. The Three Powers will intensify their military preparations. At this point the preparations could include measures which would be readily observable.

12. Use of Additional Military Force (Cf. Paragraph 10 of earlier working paper.)

a. The Three Governments will make jointly the appropriate decisions for restoring freedom of passage. The measures required for their implementation should be the object of a study by the group of Three to be set up in Paris.

b. Supplementing military decisions, consideration might be given to possible economic measures.

13. Air Access to Berlin

a. As a concomitant to the above courses of action regarding surface access to Berlin, the Three Powers should, from the start, take steps to maintain their unrestricted air access to Berlin, which would be essential to maintaining the status and security of the city.

b. The Three Embassies at Bonn, in consultation with the tripartite staff in Paris or with other military headquarters as appropriate, should review or complete contingency planning to deal with the following aspects of the Berlin air access question:

(1) Possible Soviet withdrawal from the Berlin Air Safety Center;

(2) Possible Soviet or East German threats against the safety of flight in the Berlin corridors and control zone;

(3) Measures which might be taken to continue civil air services as long as possible in the event of any change in the present situation;

(4) Possible

~~SECRET~~

90 1068 -182

~~SECRET~~

- 10 -

(4) Possible establishment of a "garrison airlift" to transport Allied personnel and materiel as necessary in the event of an interruption of Allied surface traffic;

(5) The possible substitution of military for civil aircraft to maintain air services to Berlin if civil aircraft cease operations;

(6) Possible direct interference by the Soviets or East Germans with flights in the Berlin corridors or control zone; and

(7) Flights in the Berlin corridors above 10,000 feet.  
(This issue might be resolved by a simple tripartite agreement to fly at an altitude appropriate to efficient operations of individual aircraft.)

c. Planning regarding b. (5) and b. (6) above should be conducted on the understanding that no policy decision has been taken on a "garrison airlift" or on the substitution of military for civil aircraft.

#### 14. Planning Responsibilities and Coordination

a. The Tripartite Ambassadorial Group meeting in Washington is responsible for the overall coordination of Berlin contingency planning and for the drafting of the statement mentioned in paragraph 4. above.

b. The Three Embassies at Bonn are primarily responsible for the development of recommendations regarding identification of Allied movements (paragraph 8 above), instructions regarding detailed procedures at the checkpoints (paragraph 8 above), and air access planning (paragraph 13 above).

c. The Tripartite

~~SECRET~~

901068-183

~~SECRET~~

- 11 -

c. The Tripartite Staff in Paris, under the supervision of General Norstad, is responsible for coordinating the preparatory military measures and the planning described in paragraph 2 above, for studying measures which might ultimately be taken to restore freedom of access (paragraph 12 above), <sup>designating the headquarters to</sup> and for ~~assisting~~ the Three Embassies at Bonn in carrying out their responsibilities as described in paragraph 11.b. above.

d. The Ambassadors of the Three Powers to the United Nations are charged with making recommendations to their Governments regarding the basis and timing of a possible approach to the United Nations (cf. paragraph 11.a. above).

e. The Headquarters of the Three Powers in Berlin will give the Three Embassies at Bonn whatever assistance the latter may require in carrying out their responsibilities as described in paragraph 11.b. above.

f. The military authorities in each of the Three Countries are responsible for the planning of measures on a purely national basis, as mentioned in paragraph 2. above, in support of tripartitely planned measures.

~~SECRET~~

90 1068 - 184

~~SECRET~~

This document consists of 2 pages.  
No. 1 of 10 copies. Series A.

DEPARTMENT OF STATE  
ASSISTANT SECRETARY

To: The Acting Secretary

Through: S/S

From: G - Robert Murphy *RM*

Subject: Berlin Contingency Planning - Points To Be Discussed  
with Foreign Minister Lloyd

Defense Clearance of Earlier Memorandum, Same Subject

Defense has given its clearance to my earlier memorandum on the above subject on condition that some additional changes be made in the text. These changes are acceptable to us and are largely editorial. The changes suggested by Defense are listed below.

Recommendation

If it is not possible to raise all of the changes suggested by Defense with Mr. Lloyd, you might reach agreement with him that the paper should be given a final editorial revision later on. (The French may also have editorial changes to suggest.)

Additional Changes Suggested by Defense

1. Page 1: Add the following to the introductory note: "and supersedes the foregoing where any point of conflict arises."

2. Paragraph 8: Defense has withdrawn its objection to the British proposal that the words "as designated by the tripartite staff in Paris" be stricken out.

3. Paragraph 8: Defense wishes to insert before the last sentence of the paragraph the following sentence from paragraph 2 of the agreed U.S.-U.K. minute: "In the latter event, they will be guided by the principle that the commanders should not submit to any formalities or measures of control at the hands of the GIR personnel going beyond what is necessary to enable them to identify the convoys, vehicles or trains as belonging to the Allied forces, or going beyond what may be tripartitely agreed to be reasonable to enable the GIR personnel to ensure the orderly progress of traffic on the Autobahn or railroad."

4. Paragraph 10:

~~SECRET~~

(1) EVR : GER : GFA : TD McKinnon, Paul

4-359

901068-185

762100 / 4-359



~~SECRET~~

- 2 -

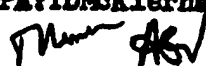
4. Paragraph 10: Change "probe" to read "probe or probes."
5. Paragraph 12: Change "group of the Three to be set up in Paris" to "tripartite staff in Paris."
6. Paragraph 13 b: Change "headquarters as appropriate" to "headquarters as designated."
7. Paragraph 13 c: The references should be to paragraphs b (4) and b (5). (These were typographical errors.)
8. Paragraph 14 b: Insert "the political aspects of" before "air access planning."
9. Change "measures which might ultimately be taken to restore freedom of access (paragraph 12 above)" to "measures which might be taken (1) to restore freedom of access (paragraph 12 above) and (2) to maintain air access (paragraph 13 above)."

Concurrence

EUR - Mr. Kohler



EUR:GER:GPA:TDM:Kiernan:ew  
4-3-59



~~SECRET~~

901068-186

~~SECRET~~

DEPARTMENT OF STATE DOCUMENT CONTAINED IN  
THE LEGAL ADVISER COPY No. \_\_\_\_\_ of \_\_\_\_\_ Series \_\_\_\_\_

61

April 3, 1959

2340

MEMORANDUM

FOR : The Acting Secretary  
G - Mr. Murphy

FROM : L - Loftus Becker (B)

SUBJECT: Memorandum entitled "Berlin Contingency Planning -  
Points to be Discussed with Foreign Minister Lloyd."

I was asked to clear subject memorandum in five minutes and did so only upon the ground that the United States would insist that the introductory sentence to paragraph 5b of the Berlin contingency planning paper of April 1, 1959, to be amended to read:

"The three Powers might consider the possibility of adopting, etc."

I am firmly opposed on legal grounds to any formulation such as that contained in paragraph 5b of the Berlin contingency planning paper. What is proposed is an outright assignment to the GDR of the rights and obligations of the USSR as an occupying power. It further contemplates a guaranty by the GDR, as assignee, which would involve agreement between the GDR and ourselves on matters of high political importance.

First, while occupation rights may be given up, I am of the view that they cannot legally be transferred to the occupied. In legal effect, the making of such an assignment would constitute recognition of the sovereignty of the entity in control of the area previously occupied. Moreover, despite the disclaimer of recognizing the GDR as a Government, I have a serious question whether entering into the agreement of guaranty with the GDR would not amount to de jure recognition.

Moreover, the proposed language of paragraph 9b of the Berlin contingency planning paper is legally incorrect.

The

L. Becker ~~SECRET~~

901068-187

~~SECRET~~

-2-

The three Powers would not "succeed to Soviet rights if the Soviets withdraw". Upon the withdrawal of one of the four occupying powers, the three remaining powers possess in their own right full occupation powers, unlimited by any prior limitations upon such rights which the three powers may have agreed upon with the fourth power. In other words, the four occupying powers had the right, by reason of the capitulation of Nazi Germany, to occupy the whole of Germany. By agreement with the Soviet Union, the three Western powers voluntarily limited their overall rights to the Western zones, Berlin, and access to Berlin. If the Soviet Union sees fit to give up its occupation rights, the three Western powers would no longer be bound by these self-imposed limitations but would, instead, be entitled to occupy all of Germany so as to insure the maintenance of their rights with respect to Germany as a whole.

The foregoing is the legal basis upon which we would assert a right to substitute Allied personnel for USSR personnel at the checkpoints.

Copies to: EUR - Mr. Merchant  
                  Mr. Kohler  
                  GER - Mr. Vigderman  
                  Defense -

L:LBecker:imf

~~SECRET~~

90 1068-188

SUMMARY OF TRIPARTITE CONTINGENCY PLANNING MEETING  
MARCH 30, 1959

Berlin CP  
 File  
 P

In the meeting of Mr. Murphy, Mr. Irwin, and General Johnson with Ambassadors Caccia and Alphand on March 30, 1959 substantial agreement was reached on most aspects of Berlin contingency planning which had been discussed in earlier tripartite meetings. Following is a resume of the highlights of the discussion.

U.S. - U.K. Minute

Copies of the agreed U.S. - U.K. minute on the contingency planning discussion between the President and Prime Minister Macmillan were passed to Ambassador Alphand. Both Mr. Murphy and Ambassador Caccia point out that the minute was consistent with and supplementary to the papers previously circulated by the United States.

Report to NATO

Mr. Murphy gave to Ambassadors Caccia and Alphand advance copies of the draft report to NATO which is to be discussed in today's tripartite Foreign Ministers' meeting.

Additional Military Measures

Ambassador Alphand said that the references to the possible use of additional military force in connection with ground access and to the guaranteeing of air access should be more "positive." He suggested that the wording of the paper be changed from "the Three Powers will decide ... whether further military pressures should be applied" to "the Three Governments will make jointly the appropriate decisions for restoring freedom of passage."

Ambassador Caccia said that he would have to refer this suggestion to his Government, for it was broad enough to cover use of force in any manner.

Recourse to the UN

Ambassador Alphand stated that the Berlin situation should not be taken to the UN until such time as the Three Powers have taken whatever military measures they may determine appropriate to restore freedom of access. They believe that these two courses could be followed simultaneously, but that a prior resort to the UN could "paralyze" the Three Powers and prevent them from resorting to force.

Mr. Murphy and Ambassador Caccia pointed out that the planning paper said only that the Berlin situation "could" be taken to the UN, not that it "should" be. Furthermore, the UN action would be taken as a means of putting additional pressure on the USSR and in order to exhaust peaceful remedies before considering resort to force.

~~SECRET~~

EUR: GERRIG PA TD McKenna, J. Saw  
 3-31-59

901068-189

~~SECRET~~

- 2 -

#### Continuation of Normal Traffic

Ambassador Alphant called attention to the inconsistencies in the earlier planning papers regarding the cessation of normal Allied traffic and the timing of a probe. Clear understanding was reached that traffic would not be suspended and the first probe made upon the announced or actual turnover of the checkpoints to the GDR but rather that normal traffic would be continued as long as possible after the turnover with the substitution of the procedures which the Three Government determine to be necessary for the identification of their movements and the orderly movement of traffic for those procedures now followed with the Soviets. It was agreed that the revised contingency planning paper should clarify this point.

#### Air Access

Ambassador Alphant proposed a revision of the paragraph in the United States aide-memoire of December 11 regarding air access, and Mr. Murphy circulated a U. S. draft paragraph instructing the Embassies at Bonn to proceed with various aspects of air access planning. It was also noted that this planning should be co-ordinated with General Norstad's newly established tripartite staff. It was agreed that the discussion would be embodied in a redraft of the paragraphs on air access.

#### Co-ordination of Planning

Ambassador Alphant pointed out that various aspects of Berlin contingency planning are being discussed in Washington, Bonn, Paris, New York, and Berlin. It was agreed that the Ambassadorial group in Washington should handle the basic policy questions and that a revision of the planning paper should set forth clearly the responsibilities of each group.

Mr. Murphy said that he hoped that General Norstad could be informed, after this meeting, that his special tripartite staff may proceed with its planning work. Ambassador Caccia said that he assumed that the British were already sending instructions to this effect. Ambassador Alphant's remarks indicated that the French Government was also in agreement regarding the tripartite staff.

#### Nature of Probe

Mr. Murphy said that the specific reference to a scout car of other comparable armed vehicle should be stricken in the description of the convoy proposed to test Soviet intentions. He explained that more or less show of force might be made. The Ambassadors agreed.

~~SECRET~~

90 1068 - 190

~~SECRET~~

- 3 -

#### Extrication of Detained Movement

Ambassador Caccia said that the British believe that any Allied movement blocked within the Soviet Zone should, as a last resort, comply with GDR demands under protest to extricate itself. Any detained movement should, he said, be thus extricated before the probe of Soviet intentions was made. It was pointed out on the United States side that the probe might be used to extricate a detained movement.

#### Development of Identification Procedures

Mr. Murphy pointed out that the Embassies at Bonn have made little progress in developing recommendations for procedures to identify Allied movements. Ambassador Caccia concurred and indicated that the delay might be due to uncertainty regarding the responsibilities of the various planning groups.

#### Unilateral U. S. Measures

Mr. Murphy reported that the United States has increased the number of convoys sent via the Autobahn and that, as a result of our having U. S. military police escort convoys through the Soviet Zone checkpoints, the Soviets have now offered to perform such escort functions.

#### Revision of Planning Paper

It was agreed that the United States would prepare a revised contingency planning paper to take into account discussions and decisions on the basis of the United States aide-memoire of December 11, the United States memorandum of February 18, and the working paper circulated after the February 28 meeting.

#### High Altitude Corridor Flight

Mr. Murphy informed the Ambassadors in general terms regarding the United States Air Force C-130 flights to and from Berlin above 10,000 feet. Ambassador Caccia indicated that the British did not understand why they were not consulted about this. General Johnson undertook to have a cable sent instructing that the next flight be delayed for 24 hours in order that the British and French Governments can consider the question.

EUR:GER:GPA:TDMcKiernan:eaw  
3-31-59 *McKiernan*

~~SECRET~~

90 1068-191